

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RX MEDICAL, LLC; ROK SALES, LLC;)
and ROK MEDICAL MANAGEMENT, LLC,)

Plaintiffs,)

vs.)

Case No. 22-cv-00731-PRW

ROBEN MELTON; JUSTIN POOS;)
BRADY CLINE; TODD PERRY; SHELBY)
BULLARD; GREG MASON; JOSHUA)
MCDONALD; KRISTY MOORE; DIGSS)
INVESTMENTS, LLC; STRYKER)
CORPORATION; SUMMIT SPINE)
SOLUTIONS, LLC; and RD MEDICAL, LLC,)

Defendants.)

DECLARATION OF BRETT M. MULLINS

I, Brett M. Mullins, under penalties provided by law, state as follows:

1. I am over the age of 18, and based on my personal knowledge, would, if called to testify about the matters set forth herein, be able to do so.

2. I am employed by RX Medical Family of Companies (“RX Medical”) as its Information Technology (“IT”) Director. I have been employed in that role for the last nine (9) months.

3. As the IT Director, I handle all computer needs RX Medical may have, including the troubleshooting of problems that may arise related to RX Medical’s computer system.



4. On Friday, August 12, 2022, I was contacted by RX Medical's VP of Accounting and Finance, Robyn Reynolds, and informed of the immediate resignation of eight (8) RX Medical employees. Ms. Reynolds asked that I turn off the RX Medical email accounts of these employees. Later that day I was notified about a concern that information concerning surgeries scheduled with RX Medical had been removed from the individual outlook calendars attached to our former employees' RX Medical email accounts.

5. I worked that weekend to understand what had happened and to restore the calendars and retrieve information about surgeries that had previously been on RX Medical calendars. By Sunday night, I was able to retrieve some of the scheduling information that had been deleted from these calendars.

6. As part of my work, I determined that some of the individuals who terminated their employment with RX Medical on Friday, August 12, 2012, deleted scheduled surgeries from their RX Medical outlook calendars before terminating their employment. Some of the surgeries deleted were scheduled for the next week.

7. Attached to my declaration as Exhibit 1 is a spreadsheet summarizing the surgeries that I determined had been deleted from the individuals' RX Medical Calendar along with the individuals who deleted the surgery, the date the surgery was deleted, and the date the surgery was scheduled to be performed.

8. For example, I determined that between August 10, 2022, and August 12, 2022, Brady Cline deleted eight (8) surgeries that had been scheduled with RX Medical for dates ranging from August 18, 2022, through September 12, 2022. I also determined that

between August 8, 2022, and August 11, 2022, Rob Melton deleted four (4) surgeries that had been scheduled with RX Medical for dates ranging from August 17, 2022, through August 29, 2022. *See* Ex. 1.

9. Other entries for surgeries scheduled after the date of the employees' resignation were also deleted, and I am continuing to review the data to determine why those surgeries were deleted, and whether such deletions were done at the direction of any of the former RX Medical employees, and to determine whether any additional RX Medical electronic data, information and/or files were deleted or altered.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of August, 2022.



Brett M. Mullins

Detailed Info								
Brady Cline			Greg Mason			Josh McDonald		
Event Date	Date Deleted	Event Title	Event Date	Date Deleted	Event Title	Event Date	Date Deleted	Event Title
8/24/22	8/10/22	Stetson-L4-5 360 perc	8/12/22	8/10/22	Phelps-T12-L3 posterior fusion w- L2/3 interbody T12-S1	n/a	n/a	n/a
8/25/22	8/10/22	Karikari-L4-S1 360 Perc						
8/18/22	8/12/22	Hisey-360						
8/22/22	8/12/22	Hisey-360 L4-S1						
8/22/22	8/12/22	Hisey-L3-4 xlif 360						
8/25/22	8/12/22	Hisey-360 L4-S1						
9/1/22	8/12/22	Hisey-360 L4-S1						
9/12/22	8/12/22	Hisey-360 c3-t1 Acdf, c3-T2 pcf						
Justin Poos			Kristy Moore			Shelby Bullard		
Event Date	Date Deleted	Event Title	Event Date	Date Deleted	Event Title	Event Date	Date Deleted	Event Title
8/1/22	8/1/22	Detwiler L4-5 ext of fusion. Removal of ??	n/a	n/a	n/a	n/a	n/a	n/a
8/2/22	8/1/22	de la Garza L4-5 HWR of vitality ext of fusion L3-4						
8/10/22	8/8/22	Detwiler ALIF poss 360						
Todd Perry			Rob Melton					
Event Date	Date Deleted	Event Title	Event Date	Date Deleted	Event Title			
8/22/22	7/14/22	Conley DLIF Duo L4-5/ Optilift L5-S1	8/17/22	8/8/22	Dr. Hume C5-C7 adf w/ mobi-c			
			8/17/22	8/8/22	Dr. Smith L4-S1 tlif w/ Optimesh, Ez-Span, & NXT			
			8/24/22	8/9/22	Dr. Smith C5-C7 acdf w/ Invizia & Trellos c			
					Dr. Smith L5-S1 TLIF w/ optimesh, ez-spand, & NXT (need ez-spand, possible decom...			
			8/29/22	8/11/22				
			11/12/22	8/11/22	Dr. Hume Birthday			

Total: 18							
BC	GM	JM	JP	KM	RM	SB	TP
8	1	0	3	0	5	0	1